

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
COLORADO RIVER BASIN REGION**

ORDER NO.01-077
NPDES NO. CAS617002

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT
AND
WASTE DISCHARGE REQUIREMENTS
FOR
RIVERSIDE COUNTY FLOOD CONTROL DISTRICT, OWNER/OPERATOR
COUNTY OF RIVERSIDE, OWNER/OPERATOR
COACHELLA VALLEY WATER DISTRICT, OWNER/OPERATOR
AND INCORPORATED CITIES OF RIVERSIDE COUNTY WITHIN THE
WHITEWATER RIVER BASIN, OWNERS/OPERATORS
FOR THE DISCHARGE OF
WHITEWATER RIVER WATERSHED STORM WATER
Riverside County

The California Regional Water Quality Control Board, Colorado River Basin Region finds that:

Permittee(s)¹

1. On November 20, 2000, the County of Riverside and the Riverside County Flood Control And Water Conservation District, in cooperation with the Coachella Valley Water District and the Incorporated cities, including City of Banning, City of Cathedral City, City of Coachella, City of Desert Hot Springs, City of Indian Wells, City of Indio, City of La Quinta, City of Palm Desert, City of Palm Springs and the City of Rancho Mirage (hereinafter collectively referred to as permittees) jointly submitted National Pollutant Discharge Elimination System (NPDES) Application No. CAS617002 and a Report of Waste Discharge (ROWD) for the re-issuance of a storm water NPDES permit. See Attachment A for definitions of terms used in this permit.
2. For the purposes of this permit the Principal Permittees are identified as:

Riverside County, 4080 Lemon Street, P.O. Box 1090, Riverside, California 92501-1090; and
Riverside County Flood Control And Water Conservation District, 1995 Market Street, Riverside, California 92501
3. The Principal Permittees and the permittees have entered into an implementation agreement, which will be amended to remain in force during the term of this Board Order.
4. Each permittee mentioned above, owns and operates a Municipal Separate Storm Water Sewer System (MS4)² through which it discharges urban storm water runoff into the Whitewater River watershed within the jurisdiction of the California Regional Water Quality Control Board (CRWQCB)- Colorado River Basin Region.

¹ Permittee(s) and discharger(s) are used interchangeably in this Board Order

² See definition of Municipal Separate Storm Sewer in the Glossary (Attachment 'A')

5. The permittees are separate legal entities and have the authority to develop, administer, implement and enforce storm water quality management programs within their own jurisdiction. Each permittee is responsible for compliance with relevant portions of this permit within its jurisdiction.
6. The permit area, as shown on the attached site map and incorporated herein and made a part of this Board Order, includes areas that lie approximately between the San Gorgonio Pass area to the northwest and the Salton Sea to the southeast. The majority of this area is in the Coachella Valley.
7. Each permittee has jurisdiction over maintenance responsibilities for its respective boundaries and is entirely responsible for the implementation of the appropriate storm water program as required by this Board Order. Each permittee need only comply with the requirements of this Board Order applicable to discharges originating from its jurisdictional boundaries and/or from the portion of the boundaries that it owns or operates.
8. Federal, State, or regional entities within the permittees' boundaries, not currently named in this Board Order, may operate storm drain facilities and/or discharge storm water to the storm drains and watercourses covered by this Board Order. The permittees may lack legal jurisdiction over these entities under the State and Federal constitutions. Consequently, the Regional Board recognizes that the permittees should not be held responsible for such facilities and/or discharges.
9. The incorporated and unincorporated portions of Riverside County, within the Whitewater River Basin, have an approximate population of 320,000 persons. Therefore, on March 14, 1991, the Regional Board's Executive Officer designated the Whitewater River Basin as an area required to have a permit for MS4s.
10. Discharges of storm water runoff from lands owned by the California Department of Transportation (Caltrans) are currently regulated under a separate NPDES permit issued by the State Water Resources Control Board (SWRCB). Caltrans is required to comply with specific effluent limitations prior to discharging from its right-of-way into storm water collection systems operated by the permittees.
11. The objectives of this Board Order are to:
 - a. Renew Board Order No. 96-015 NPDES No. CAS617002, which regulated storm water runoff within the Whitewater River Basin.
 - b. Regulate the discharge of potential pollutants in storm water runoff discharges to surface waters of the Whitewater River Basin;
 - c. Regulate non-storm water discharges associated with retrofit, maintenance, and construction activities at municipal maintenance yards, facilities, or roads.
 - d. Implement regulatory requirements prescribed in the Basin Plan, requirements of Section 402(p) of the Federal Clean Water Act (CWA) and 40 Code of Federal Regulations (40 CFR) Part 122.

Storm Water Information

12. Urban runoff is a waste, as defined in the California Water Code, which contains pollutants that could adversely affect the quality of the waters of the State. The discharge of urban runoff from an MS4 is a "discharge of pollutants from a point source" into waters of the United States as defined in the Clean Water Act.
13. Urban runoff includes those discharges from residential, commercial, industrial, and construction areas within the project area.
14. The State Water Resources Control Board (SWRCB) issued two statewide general permits to address storm water discharges from industrial and construction activities: the General Industrial Activities Storm Water Permit (NPDES No. CAS000001) and the General Construction Activity Storm Water Permit (NPDES No. CAS000002). Industrial and construction activities that qualify are required by Federal regulations to obtain permit coverage either under an individual NPDES permit, or under these statewide general permits by filing a Notice of Intent (NOI) with the SWRCB. Due to the ephemeral nature of the Whitewater River and its tributary drainages, surface water is present in drainage channels primarily as a result of wet and dry weather urban runoff and agricultural irrigation flows. These occasional and intermittent surface flows influence the erosion and sediment yields unique to the arid landscape of the Whitewater River watershed.
15. There is a strong direct correlation between "urbanization" and "impacts to receiving water quality." In general, the more heavily developed the area, the greater the potential impact to receiving waters from urban runoff.
16. During urban development two important changes occur:
 - a. Natural pervious ground cover is converted to impervious surfaces such as paved highways, streets, rooftops, and parking lots. Natural soil can both absorb rainwater and remove pollutants. Because pavement and concrete can neither absorb water nor remove pollutants, the absorptive characteristics of the land are lost;
 - b. Urban development creates new pollution sources as human population density increases and brings with it proportionately higher levels of car emissions, car maintenance wastes, municipal sewage, pesticides, household hazardous wastes, pet wastes, and trash etc. which can either be washed into or directly dumped into the MS4.

Because of these two (2) changes, the runoff leaving the developed urban area is significantly greater in volume, velocity and pollutant load than the predevelopment runoff from the same area.

17. The increased volume and velocity of runoff from developed urban areas greatly accelerates the erosion of downstream natural channels. Numerous studies have demonstrated a direct correlation between the degree of imperviousness of an area and the degradation of receiving water quality.
18. Urban runoff contains pollutants, which threaten human health. Individually and in combination, the discharge of pollutants from MS4s can cause or threaten to cause a condition of pollution (i.e., unreasonable impairment of water quality for designated beneficial uses), contamination, or nuisance. The discharge of pollutants from MS4s

can cause the concentration of pollutants to exceed applicable receiving water quality objectives and impair or threaten to impair designated beneficial uses.

19. Pollutants can be effectively reduced in urban runoff by the appropriate application of pollution prevention, source control, and treatment control best management practices (BMPs).
20. Utilizing their land use authority, permittees authorize urbanization and land uses that generate pollutants and runoff that contribute to the impairment of receiving waters. Since the permittees utilize their legal authority to authorize urbanization, they can also exercise their legal authority to ensure that the resulting increased pollutant loads and flows do not further degrade receiving waters.
21. Urban development has three major phases: (1) land use planning for new development; (2) construction; and (3) the land use or existing development phase. Because the permittees authorize each of these phases, they have commensurate responsibilities to protect water quality during each phase.
22. The permittees developed and submitted a Storm Water Management Plan (SWMP) to the CRWQCB as part of the NPDES permit re-application. The SWMP includes an updated suite of BMPs that will reduce potential pollutants in storm water discharges from the MS4 to the maximum extent practicable (MEP).
23. One of the most efficient and cost effective methods to reduce potential pollutants in storm water and non-storm water runoff is to incorporate BMPs as early in the development planning phase as possible. The implementation of BMPs is necessary to prevent erosion and sedimentation in storm water and non-storm water runoff discharges.
24. Construction activities can be a significant cause of receiving water impairment. Siltation is currently the largest cause of river impairment in the United States. Sediment runoff rates from construction sites greatly exceed natural erosion rates of undisturbed lands, causing siltation and impairment of receiving waters. In addition to requiring implementation of the full range of BMPs, an effective construction runoff program must include local plan review, permit conditions, field inspections, and enforcement. The New Development Guidelines (Supplement A to the Riverside County Drainage Area Management Plans) are incorporated into the Whitewater River watershed SWMP. The purpose of the Guidelines is to identify post-construction source pollutant prevention and treatment measures that may be incorporated into development projects.
25. Enforcement of local storm water runoff related ordinances, permits, and plans, is an essential component of every SWMP. Routine inspections provide an effective means by which permittees can evaluate compliance with their ordinances. Inspections are especially important at high-risk areas for pollutant discharges, such as industrial and construction sites.
26. Education is the foundation of every effective SWMP. Education of municipal planning, inspection, and maintenance department staff is especially critical. The Public Education Program contained in the SWMP incorporates a well-developed approach to education and outreach. The program, entitled "Storm Water/Clean Water Program", combines resources and efforts from the three Riverside County municipal permit programs to effectively communicate responsible storm water management.

27. Public participation is necessary to ensure that all stakeholder interests, and a variety of creative solutions, are considered. Public participation is important in the development of a complete urban runoff management program. The permittees propose to emphasize the public participation component of the Storm Water/Clean Water Program.
28. Discharges from MS4s throughout each watershed contribute to a cumulative pollutant load to downstream receiving waters.
29. Within their common watershed it is necessary for the permittees to coordinate their water quality protection activities to achieve the greatest protection of receiving water quality. Permittee coordination with other watershed stakeholders (e.g., Caltrans and the Bureau of Indian Affairs) is also desirable. Establishment of a management structure within which the permittees subject to this Board Order will fund and coordinate those aspects of their joint obligations will promote effective implementation of the SWMP on a watershed and regional basis in the most cost effective manner.
30. The most common categories of pollutants in storm water runoff include total suspended solids, sediment (due to anthropogenic activities); pathogens (e.g., bacteria, viruses); metals (e.g., copper, lead, zinc and cadmium); petroleum products and polynuclear aromatic hydrocarbons; synthetic organics (e.g., pesticides, and herbicides); nutrients (e.g., nitrogen and phosphorus fertilizers), oxygen-demanding substances (decaying vegetation, animal waste), and trash.

Colorado River Region Basin Plan

31. The Water Quality Control Plan for the Colorado River Basin Region of California (Basin Plan) was adopted on November 17, 1993, and designates the beneficial uses of ground and surface waters in this Region.
32. The permittees own and operate major stormwater conveyance systems, which service the urbanized portion of the Whitewater River Basin. These systems discharge stormwater into the surface water bodies listed below:
 - a. Smith Creek
 - b. Montgomery Creek
 - c. San Gorgonio River
 - d. Whitewater River
 - e. Tahquitz Creek
 - f. Palm Canyon Wash
 - g. Little Morongo Wash
 - h. West Cathedral Canyon Channel
 - i. East Cathedral Canyon Channel
 - j. West Magnesia Canyon Channel
 - k. East Magnesia Canyon Channel
 - l. Palm Valley Storm Water Channel
 - m. Deep Canyon Storm Water Channel
 - n. Bear Creek
 - o. La Quinta Resort Channel
 - p. La Quinta Evacuation Channel
 - q. Coachella Valley Storm Water Channel

33. Beneficial uses for specific water bodies can be found in the Basin Plan. However, the beneficial uses designated for some of the surface water bodies listed above are:
 - a. Municipal and Domestic supply (MUN)
 - b. Agricultural Supply (AGR)
 - c. Fresh Water Replenishment (FRSH)
 - d. Ground Water Recharge (GWR)
 - e. Water Contact Recreation (REC I)
 - f. Noncontact Water Recreation (REC II)
 - g. Warm Water Habitat (WARM)
 - h. Cold Water Habitat (COLD)
 - i. Wildlife Habitat (WILD)
 - j. Preservation of Rare, Endangered or Threatened Species (RARE)
34. Storm water discharge from the Permit Area may also affect the Coachella Valley Ground Water Basin, which has the following uses:
 - a. Municipal and domestic supply;
 - b. Agricultural supply; and
 - c. Industrial supply
35. Numeric and narrative water quality standards exist for the receiving waters in this Region. It is not feasible at this time to establish numeric effluent limitations. Due to the variability in storm water quality, quantity, and the complexity of the urban runoff, this Board Order does not contain explicit numerical effluent limitations for any constituent. The impact of storm water runoff discharges on the quality of receiving waters has not been fully determined. Therefore, the effluent limitations contained in this General Permit are narrative and include the SWMP's requirement to implement appropriate BMPs. The narrative effluent limitations constitute compliance with the requirements of the CWA.

Federal NPDES Storm Water Regulations:

36. Federal regulations for storm water/urban runoff were promulgated by the United States Environmental Protection Agency (EPA) on November 16, 1990 (40 CFR, Parts 122, 123, and 124) and apply to the discharge regulated by this permit.
37. Pursuant to Section 402 of the Federal CWA and Section 13370 of the California Water Code, the EPA approved the California State Program to issue and enforce NPDES permits for discharges to surface waters of the State. Section 405 of the Water Quality Act of 1987 added Section 402(p) to the Federal CWA, which requires the EPA to develop a phased approach to regulate storm water discharges under the NPDES program.
38. Section 402(p) of the Federal CWA requires the issuance of NPDES permits for storm water discharges for which the EPA Regional Administrator or the Regional Board, as the case may be, determines that the storm water discharges contribute to a violation of a water quality standard, or is a significant contributor of pollutants to waters of the United States.

39. Section 402(p) of the Federal CWA requires NPDES permits for MS4s to include a requirement to effectively prohibit non-storm water discharges into municipal storm water collection systems unless such discharges are either authorized by a separate NPDES permit or not prohibited in accordance with Provision #3 under Discharge Limitations of the Permit. The requirement in the Federal CWA to reduce pollutants to the maximum extent practicable provides a minimum level of water quality protection. The State may develop water quality standards more stringent than required by the Clean Water Act.
40. 40 CFR 122.26 requires a proposed management program that covers the duration of the permit. It shall include a comprehensive planning process which involves public participation and where necessary intergovernmental coordination, to reduce the discharge of pollutants to the maximum extent practicable using management practices, control techniques and system, design and engineering methods, and such other provisions which are appropriate. The proposed management program is described in the Whitewater River watershed SWMP. The proposed management program shall include a description of structural and source control measures (i.e. BMPs) to reduce pollutants from runoff from commercial and residential areas that are discharged from the municipal storm sewer system that are to be implemented during the life of the permit.

Compliance with CEQA and other Regulations

41. The issuance of an NPDES permit for this discharge is exempt from the provisions of the California Environmental Quality Act (CEQA), Chapter 3 (commencing with Section 21100) of Division 13 of the Public Resources Code, in accordance with Water Code Section 13389. In accordance with Section 15301, Chapter 3, Title 14 of the California Code of Regulations, the issuance of this permit, which governs the operation of an existing facility involving negligible or no expansion of use beyond that previously existing, is exempt from CEQA.
42. The Regional Board has considered state and federal anti-degradation requirements pursuant to 40 CFR 131.12 and SWRCB Resolution No. 68-16. This permit does not allow degradation of surface waters of the State of California.
43. The Regional Board has notified the permittees and other interested agencies and persons of its intent to issue an NPDES permit for discharges of storm water/urban runoff from the Project Area.
44. The Regional Board, in a public meeting, heard and considered all comments pertaining to this permit. The Regional Board reserves the privilege to reopen this permit upon legal notice to, and after opportunity to be heard, is given to all concerned parties.

IT IS HEREBY ORDERED that Board Order No. 96-015 is terminated, and in order to meet the provisions contained in Division 7 of the California Water Code and regulations adopted thereunder, and the provisions of the Federal Clean Water Act and amendments, regulations, and guidelines adopted thereunder, the permittees shall comply with the following:

A. Discharge Limitations

1. The permittees shall prohibit illicit/illegal discharges from entering the MS4 and require controls to reduce the discharge of potential pollutants to the maximum

- extent practicable.
2. The discharge of storm water from permittees' municipal storm drain systems to waters of the United States containing pollutants which have not been reduced to the maximum extent practicable is prohibited.
 3. The following discharges need not be prohibited by the permittees unless identified by the permittees or the Regional Board as a significant source of pollutants to the receiving waters.
 - a. Discharges composed entirely of storm water;
 - b. Discharges covered by NPDES permits or written clearances issued by the Regional or State Board;
 - c. Potable water line flushing and other potable water sources;
 - d. Passive footing drains;
 - e. Water from crawl space pumps;
 - f. Dechlorinated swimming pool discharges;
 - g. Non-commercial vehicle washing;
 - h. Diverted stream flows;
 - i. Rising ground waters and natural springs;
 - j. Ground water infiltration as defined in 40 CFR 35.2005 (20) and uncontaminated pumped ground water;
 - k. Flows from riparian habitats and wetlands;
 - l. Street wash water and run-off from fire fighting;
 - m. Waters not otherwise containing wastes as defined in California Water Code Section 13050 (d); and
 - n. Other types of discharges identified and recommended by the permittees and approved by the Regional Board.
 4. For purposes of this Board Order, a discharge may include storm water and other types of discharges as indicated above.
 5. If it is determined by the permittees that any of the preceding discharges cause or contribute to violations of water quality standards or are significant contributors of pollutants to waters of the U.S., the permittees shall prohibit these discharges from entering the storm drain system.

6. Non-storm water discharges from public agency activities into waters of the U.S. are prohibited unless the non-storm water discharges are permitted by an NPDES permit or are included in Item 3, above. If permitting or immediate elimination of the non-storm water discharges is impractical the permittees shall submit to the Regional Board, a proposed plan to eliminate the non-storm water discharges in a timely manner.

B. Receiving Water Limitations

1. The permittees shall comply with Discharge Prohibitions and Receiving Water Limitations through timely implementation of control measures and other actions to reduce pollutants in the discharges in accordance with the SWMP and other requirements of this permit including any modifications. The SWMP shall be designed to achieve compliance with Receiving Water Limitations. If exceedance(s) of water quality objectives or water quality standards (collectively, WQS) persist notwithstanding implementation of the SWMP and other requirements of this permit, the permittees shall assure compliance with Discharge Prohibitions and Receiving Water Limitations by complying with the following procedure:
 - a. Upon a determination by either the permittees or the Regional Water Board that discharges are causing or contributing to an exceedance of an applicable WQS, the permittees shall promptly notify and thereafter submit a report to the Regional Water Board that describes BMPs that are currently being implemented and additional BMPs that will be implemented to prevent or reduce any pollutants that are causing or contributing to the exceedance of WQSS. The report may be incorporated in the annual update to the SWMP unless the Regional Water Board directs an earlier submittal. The report shall include an implementation schedule. The Regional Water Board may require modifications to the report.
 - b. Submit any modifications to the report required by the Regional Water Board within 30 days of notification.
 - c. Within 30 days following approval of the report described above by the Regional Water Board the permittees shall revise the SWMP and monitoring program to incorporate the approved modified BMPs that have been and will be implemented, implementation schedule, and any additional monitoring required.
 - d. Implement the revised SWMP and monitoring program in accordance with the approved schedule.

So long as the permittees have complied with the procedures set forth above and are implementing the SWMP, the permittees do not have to repeat the same procedure for continuing or recurring exceedances of the same receiving water limitations unless directed by the Regional Water Board to develop additional BMPs.

C. General Requirements and Prohibitions

1. California Water Code Section 13243 provides that a Regional Board, in a water quality control plan or in waste discharge requirements, may specify certain conditions or areas where the discharge of waste, or certain types of waste is not permitted. The following discharge prohibitions are applicable to any person, as

defined by Section 13050(c) of the California Water Code, who is a citizen, domiciliary, or political agency or entity of California whose activities in California could affect the quality of waters of the state within the boundaries of the Colorado River Basin Region:

- a. The discharge of waste to waters of the state in a manner causing, or threatening to cause a condition of pollution, contamination, or nuisance as defined in California Water Code Section 13050, is prohibited.
 - b. The discharge of pollutants or dredged or fill material to waters of the United States except as authorized by an NPDES permit or a dredged or fill material permit subject to the exemption described in California Water Code (13376) is prohibited.
 - c. Any discharge to a storm water conveyance system that is not composed entirely of "storm water" is prohibited unless authorized by the Regional Board. The federal regulations, 40 CFR 122.26 (b) (13), define storm water as storm water runoff, snow-melt runoff, and surface runoff and drainage. 40 CFR 122.26 (b) (2) defines an illicit discharge as any discharge to a storm water conveyance system that is not composed entirely of storm water except discharges pursuant to a NPDES permit and discharges resulting from fire fighting activities.
 - d. The unauthorized discharge of treated or untreated sewage to waters of the state or to a storm water conveyance system is prohibited.
 - e. The discharge of sand, silt, clay, or other earthen materials from any activity, including land grading and construction, in quantities which cause deleterious bottom deposits, turbidity or discoloration in waters of the state or which unreasonably affect, or threaten to affect, beneficial uses of such waters is prohibited unless the Regional Board or the Executive Officer grants an exception in accordance with the Basin Plan.
2. The discharge of oil, gasoline, diesel fuel, or any other petroleum derivative or any toxic chemical or hazardous waste into the storm drains is prohibited.
 3. Storm water runoff collection, transport, and storage facilities shall be in good working condition at all times to effectuate compliance with this Board Order.

D. Specific Requirements and Prohibitions

1. The Principal Permittees shall:
 - a. Coordinate permit activities;
 - b. Establish uniform data submittal format;
 - c. Prepare annual reports;
 - d. Forward information received from the California Regional Water Quality Control Board (RWQCB) – Colorado River Basin Region to the permittees;
 - e. Implement permit activities of common interest;

- f. Inform permittees on U.S. Environmental Protection Agency (USEPA) and RWQCB regulations pertaining to the Municipal Separate Storm Sewer System (MS4); and,
 - g. Convene all Desert Task Force Advisory Committee meetings.
2. Each permittee shall:
- a. Comply with the requirements of the Permit within its jurisdictional boundaries;
 - b. Prepare and provide permit-required documents to the Principal Permittee in a timely manner;
 - c. Implement a SWMP consistent with this order to:
 - 1) Reduce potential pollutants in storm water runoff from commercial, industrial, and residential areas;
 - 2) Reduce potential pollutants in runoff from land development and construction sites through the use of structural and/or non-structural controls;
 - 3) Reduce potential pollutants in storm water and non-storm water runoff from municipal maintenance activities;
 - 4) Eliminate illegal connections and illicit discharges;
 - 5) Encourage spill prevention and containment as well as to provide appropriate spill response plan for municipal maintenance facilities;
 - 6) Increase public awareness; and
 - 7) Continue to provide NPDES related workshops for in-house staff training.
 - d. Participate in the Desert Task Force Advisory Committee meetings.
3. Each permittee shall control storm water runoff from urban development to the MEP within its jurisdictional boundaries so as not to cause erosion and/or sedimentation problems downstream.
4. Each permittee shall establish and maintain adequate legal authority through statute, ordinance or series of contracts which authorizes or enables the permittee to implement and enforce, at a minimum, each of the following requirements contained in 40 CFR Section 122.26(d)(2)(i)(A-F):
- a. Control through ordinance, permit, contract, order or similar means, the contribution of pollutants to the municipal storm sewer by storm water discharges associated with industrial activity and the quality of storm water discharged from sites of industrial activity;
 - b. Prohibit through ordinance, order or similar means, illicit discharges to the municipal separate storm sewer, including, but not limited to:

- 1) Discharges of wash water resulting from the hosing or cleaning of gas stations, auto repair garages, or other types of automotive services facilities;
 - 2) Discharges resulting from the cleaning, repair, or maintenance of any type of equipment or machinery including motor vehicles, cement-related equipment, and port-a-potty servicing;
 - 3) Discharges of wash water from mobile operations such as oily or greasy discharges from mobile automobile washing, and/or discharges from steam cleaning, power washing, and carpet cleaning, etc.;
 - 4) Discharges of runoff from material storage areas containing chemicals, fuels, grease, oil, or other hazardous materials;
 - 5) Discharges of food-related wastes (e.g., grease, fish processing, and restaurant kitchen mat and trash bin wash water, etc.).
- c. Control through ordinance, order or similar means the discharge to a municipal separate storm sewer of spills, dumping or disposal of materials other than storm water
 - d. Control through interagency agreements among permittees the contribution of pollutants from one portion of the municipal system to another portion of the municipal system;
 - e. Require compliance with conditions in permittee ordinances, permits, contracts or orders; and
 - f. Carry out all inspection, surveillance and monitoring procedures necessary to determine compliance and noncompliance with permit conditions including the prohibition on illicit discharges to the municipal separate storm sewer.
5. Construction Activities:
- a. The Dischargers do not need to file a Notice of Intent for coverage under the State Water Resources Control Board's General NPDES Permit for Discharges of Storm Water Runoff Associated with Construction Activity (Statewide General Permit) provided they are in compliance with this section of the Board Order. Specifically, the Dischargers shall perform the following:
 - 1) All the Dischargers' public works construction projects or activities, which would otherwise necessitate coverage under the Statewide General Permit by definition or pose a threat to water quality shall be reported to the Regional Board. The dates and location of the construction project, the party responsible for the project, and the telephone number of the responsible party shall be reported. This information shall be reported to the Regional Board prior to the start of construction.

- 2) A Storm Water Pollution Prevention Plan (SWPPP) shall be developed and implemented for all the Dischargers' public works construction projects in the permitted area if they pose a threat to water quality. The SWPPP shall be retained on-site during the entire construction period. The Dischargers shall be responsible for assuring that the SWPPP is implemented. The SWPPP shall contain all of the elements listed in Attachment B (incorporated herein and made part of this Board Order).
 - 3) Discharges of non-storm water are allowed only when necessary for performance and completion of construction projects and when allowed or permitted by the Regional Board's Executive Officer or his designee and where they do not cause or contribute to a violation of any water quality standard. Such discharges must be described in the SWPPP. Wherever feasible, alternatives which do not result in discharge of non-storm water shall be implemented.
 - 4) Monitoring shall be performed for all construction projects in accordance with "Monitoring and Reporting Program No. 01-077".
 - 5) A Notice of Termination shall be submitted to the Regional Board within 30 days of the completion of all construction projects and shall be in a form acceptable to the Regional Board's Executive Officer or his designee.
 - 6) Specific routine maintenance activities can be exempted from compliance requirements specified in this Section. Such activities must first be approved by the Regional Board's Executive Officer.
- b. Prior to the issuance of a building, grading, or other construction project permits which meet the criteria under the Statewide General Permit as a project needing to file for, and receive, the construction storm water permit, the Dischargers shall require proof that the applicant has filed a Notice of Intent for the construction storm water permit.

E. Best Management Practices

1. Each permittee shall implement the programs and Best Management Practices (BMPs) described in the SWMP and this Permit. These programs and BMPs include the following:
 - a. Illicit Connection/Illegal Discharge (IC/ID) Program:
 - 1) Outreach
 - i. Continue to educate/inform the general public on the proper application and management of pesticides, fertilizers and herbicides, as well as the proper management of irrigation systems to prevent runoff drainage to municipal storm drain system. Where appropriate, coordinate with the Soil Conservation Service, Resource Conservation Districts and UC Cooperative Extension.
 - ii. Educate/inform the general public on the impacts of litter and improper

waste disposal.

- iii. Educate/inform the general public on impacts from dumping pollutants into storm drainage system.
- iv. Educate/inform the general public on impacts from leakage or dumping of gasoline, oil and grease, antifreeze and hydraulic fluid from vehicles into the streets.

2) Field Screening/System Surveillance

- i. Develop forms (or other mechanism) for reporting the observations of field personnel of unauthorized dumping or spills so the information can be used to help locate the source of pollutants.
- ii. Coordinate with County Health Department, local fire departments, Colorado RWQCB, and other departments as necessary to develop a target list of industries, which are known to be contributing substantial pollutant loads to the storm drain system. Develop and/or enhance inspection and notification procedures for these facilities.
- iii. Develop an implementation schedule for conducting field inspections of storm drain system and targeted industrial facilities.
- iv. Conduct field inspections to ensure identification and elimination of illegal dumping and discharge.
- v. Pollutants in runoff from landfills and SARA Title III facilities will continue to be monitored in compliance with existing Colorado RWQCB waste discharge requirements. This will also be used to assess compliance with the storm water requirements. Data compiled and provided to the Colorado RWQCB in compliance with the waste discharge requirements will be incorporated into the storm water compliance reports by reference.

3) Reporting

- i. Develop forms (or other mechanism) for reporting the observations of field personnel of unauthorized dumping or spills so the information can be used to help locate the source of pollutants.

4) Incident Response, Investigation, and Clean Up

- i. Continue to support the existing hazardous materials incident response programs implemented by the Riverside County Fire Department HAZMAT Team.

5) Training

- i. Develop and conduct a training program for field personnel (including in-field workshops) to conduct inspections. Training programs may include development of appropriate field manuals, training materials, and field sampling techniques and procedures.

6) Evaluation and Assessment

i. IC/ID performance and compliance evaluation shall include the following:

- Staff training – number of employees trained, by department or function
- Meet present BMP standards, such as use of standardized IC/ID reporting form
- Collect the following information on IC/ID reports:
 - Number of reports received
 - Number of cases investigated/responded to
 - Source of IC/ID
 - Final outcome of case (e.g., spill/connection was terminated and cleaned up, source owner/operator educational visit, warning letter, referral to enforcement agency)
 - Number of enforcement actions issued/taken (e.g., notice of non-compliance, notice of violation and order to comply, referral to District Attorney for prosecution)

ii. Outreach Assessment shall include:

- Number of education events conducted, by type (e.g., workshops, fairs, public counter assistance, etc.)
- Event attendance, by event type
- Number of outreach materials distributed through newspapers

b. Commercial/Industrial Program

1) Outreach

- i. Educate/inform the general public on impacts from littering and improper waste disposal.
- ii. Educate/inform the general public on impacts from dumping pollutants into storm drainage system.
- iii. Educate/inform the general public on impacts from leakage or dumping of gasoline, oil and grease, antifreeze and hydraulic fluid from vehicles into the streets.

- iv. Educate/inform the landowners, tenants, business owners, and industrial operations (with special attention to facilities known to be contributing substantial pollutant loading to the storm drain system) regarding the need to provide covers (roofs, tarps) to keep rain off of areas which contain potential contaminants (such as chemical, waste and industrial storage areas) and keep runoff from draining through areas which contain contaminants.

2) Source Identification

- i. Coordinate with County Health Department, local fire departments, Colorado RWQCB, and other departments as necessary to develop a target list of industries, which are known to be contributing substantial pollutant loads to the storm drain system. Develop and/or enhance inspection and notification procedures for these facilities.
- ii. Develop, implement, and enforce regulations that require all new industrial facilities subject to the General Industrial Permit to show proof of compliance (such as a file number from submittal of a Notice of Intent) prior to: 1) issuance of a business license (applicable only to municipalities which require business licenses) or 2) issuance of a certificate of occupancy for new developments.

3) Training – See Section a.5

4) Evaluation and Assessment Targets

- i. Number of commercial and industry facilities in the source database, by type:
 - Restaurant
 - Automotive Service
 - Industrial
 - Mobile Cleaning Business
- ii. Number of commercial and industrial facilities visited (during each year):
 - Implement BMPs
 - Maintain a SWPPP (if required by the General Industrial Permit)

c. New Development/Redevelopment and Construction Activities Program

1) New Development and Redevelopment

- i. Inform contractors, operators, and agency staff about upcoming educational and training workshops on construction site erosion control and construction materials management sponsored by professional organizations and public agencies. Make associated public education materials available at the public counter and staff bulletin boards, as appropriate.

- ii. Inform architects, engineers, building department personnel, and local government officials on water quality problems associated with urban runoff and the requirements for meeting NPDES laws and program goals for properly managing the quality of stormwater runoff. Provide information on upcoming training workshops and distribute educational materials as appropriate.
- iii. Adopt and implement the development and approval review procedures outlined in the SWMP.

2) Construction Activities

- i. Inform contractors, operators, and agency staff about upcoming educational and training workshops on construction site erosion control and construction materials management sponsored by professional organizations and public agencies. Make associated public education materials available at the public counter and staff bulletin boards, as appropriate.
- ii. Review legal description section of Part I Permit Application and existing grading and erosion control ordinances, if any, to determine the adequacy of existing controls for construction site erosion, sedimentation, and construction material pollutants (i.e. paints, masonry wastes, etc.). The evaluation should also include an assessment of enforcement actions.
- iii. Establish a model construction site control ordinance for potential future adoption by the co-applicants in Riverside County. The ordinance will require control of pollutants from construction sites including erosion and construction material. (BMP Completed)
- iv. Identify priorities for inspecting sites and enforcing control measures for construction projects that disturb greater than 5 acres (Phase I requirements), between 1 and 5 acres (Phase II requirements), and sites disturbing less than 1 acre.

3) Training – See Section a.5

4) Evaluation and Assessment

- i. Describe workshops and efforts to publicize them to the target audience.
- ii. Describe educational materials developed in support of the New Development Guidelines.
- iii. Confirm that existing ordinances adequately address Phase I and Phase II requirements.
- iv. Adopt appropriate modifications, if necessary, to implement the BMP at c)2.ii.
- v. Each permittee to confirm compliance with SWMP.
- vi. List priorities, develop implementation schedule for inspections. Conduct

site inspections within existing building/grading inspection framework based on priorities.

d. Municipal Agency Activities Program

1) Sewage Systems

- i. Review, revise if necessary, and implement sewage spill response plans.

2) Municipal Facilities and Operations

- i. storage/maintenance areas.
- ii. Prepare a model pollution prevention plan for permittee maintenance areas. Implement the plan at maintenance areas.
- iii. Incorporate the BMPs outlined in SWMP for new maintenance and materials storage areas, where applicable.

3) Landscape Maintenance

- i. Educate/inform municipal agency personnel responsible for channel, park, golf course, and highway right-of-way maintenance about the proper use and management of pesticides, fertilizers, and herbicides. Alternative methods for controlling insects and weeds such as biological controls and the use of less toxic chemicals will be encouraged through internal workshops and guidance documents.
- ii. Each permittee will require that pesticides are applied in conformance with existing state and federal regulations.

4) Streets and Roads

- i. Evaluate pavement repair and maintenance programs for public streets and parking areas (e.g., fill potholes, seal cracks, apply surface treatments).
- ii. Develop a model fact sheet of BMPs for common road maintenance activities. Each permittee will require road maintenance personnel to review periodically and implement the BMPs.
- iii. Develop model specifications to incorporate appropriate elements from the fact sheet into road maintenance contracts. Each permittee will incorporate applicable elements into road maintenance contracts.

5) Storm Drain Systems

- i. Educate/inform the general public on impacts of dumping pollutants into storm drainage systems.
- ii. Develop a program, continue and/or expand an existing field program to detect and prevent dumping or routinely discharging pollutants into storm drains and drainage channels. This should involve re-evaluating, with regard to the NPDES permit, previous decisions to allow certain relatively

clean waters such as swimming pool water to be discharged to the municipal storm water drainage systems.

iii. Determine effectiveness of existing stormwater drainage system maintenance programs.

iv. Establish measurable goals for stormwater drainage system maintenance programs for basins, inlets, and open channels.

6) Training – See Section a.5

7) Evaluation and Assessment

i. Permittee with jurisdiction over a wastewater collection system to confirm the sewage spill response plans are developed and current.

ii. Show compliance by ensuring that vehicle maintenance & material storage yards develop and maintain a pollution prevention plan.

iii. Each permittee to show compliance by listing vehicle maintenance & materials storage areas and indicating applicable sections of model plan (described above) that have been implemented.

iv. Continue use of existing data collection form. Confirm the form and quantify percentage of permittee landscape maintenance personnel that have received training/outreach. Document staff training activities.

v. Provide list of pesticide application personnel and verify certification.

vi. Continue existing documentation. No additional evaluation/assessment proposed.

vii. Show compliance by providing copy of BMP fact sheet. Document fact sheet review by permittee staff.

viii. Document model specification. Each permittee to verify that specifications included in applicable contracts.

ix. Verify that stencils are maintained on all inlets.

x. Monitor statewide Phase 1 and 2 municipal program activities. Participate in evaluation activities.

xi. Describe maintenance activities.

e. Residential Program

1) Vehicle Washing and Maintenance

i. Educate/inform the general public on the impacts of littering and other improper disposal.

ii. Educate/inform the general public on the impacts of dumping pollutants into the storm drainage system.

- iii. Educate/inform the general public on impacts from leakage or dumping of gasoline, oil and grease, antifreeze and hydraulic fluid from vehicles into the streets.

2) Landscaping

- i. Continue to educate/inform the general public on the proper application and management of pesticides, fertilizers and herbicides, as well as the proper management of irrigation systems to prevent runoff drainage to municipal storm drain system. Where appropriate, coordinate with the Soil Conservation Service, Resource Conservation Districts and UC Cooperative Extension.
- ii. Educate/inform the general public on the impacts of dumping pollutants into the storm drainage system.
- iii. Continue to support the efforts of the County Household Hazardous Waste Program, which provides a convenient means to properly dispose of oil, antifreeze, pesticides, herbicides, paints, solvents, and other potentially harmful chemicals.

3) Home Maintenance

- i. Educate/inform the general public on the impacts of dumping pollutants into the storm drainage system.
- ii. Continue to support the efforts of the County Household Hazardous Waste Program, which provides a convenient means to properly dispose of oil, antifreeze, pesticides, herbicides, paints, solvents, and other potentially harmful chemicals.

4) Illegal Dumping

- i. Educate/inform the general public on the impacts of littering and other improper disposal.
- ii. Educate/inform the general public on the impacts of dumping pollutants into the storm drainage system.
- iii. Continue to provide, collect, and maintain litter receptacles in strategic public areas and during public events.
- iv. Develop a program, continue and/or expand an existing field program to detect and prevent dumping or routinely discharging pollutants into storm drains and drainage channels. This should involve re-evaluating, with regard to the NPDES permit, previous decisions to allow certain relatively clean waters such as swimming pool water to be discharged to the municipal storm water drainage systems.

5) Pet Ownership

- i. Educate/inform the general public regarding the need to clean-up and properly dispose of pet waste.
- ii. Continue to implement and enforce leash laws and other pet laws (i.e., pet waste clean-up, no pets in public areas) in selected public-use areas.

6) Evaluation and Assessment

- i. Document usage (call volume, type) of the Storm Water/Clean Water Pollution Prevention hotline.
- ii. Household Hazardous Waste Collection Program: (1) track event dates and number of days per event; (2) track type and amount of material collected; and (3) track advertisement expenditures by type (newspaper, television, radio, banners, flyers, etc.) for the permittees' internal use.

f. Public Education Program

1) Public and Staff Education

- i. Illicit Connection/Illegal Discharges education BMP's shall be implemented on a regional basis for the following target audience:

- Residents
- Groundskeepers
- Nurseries
- Commercial/Industrial facility owners and operators
- Students

- ii. Commercial/Industrial education BMP's shall be implemented on a regional basis for the following target audience:

- Comm/Industrial facility owners/operators

- iii. Development and Construction education BMP's shall be implemented on a local and regional basis for the following target audience:

- Contractors
- Architects
- Engineers
- Planning/Inspection staff

- iv. Municipal Agency Activities education BMP's shall be implemented on a local and regional basis for the following target audience:

- Municipal maintenance staff

- v. Municipal maintenance staff education BMP's shall be implemented on a local and regional basis for the following target audience:

- Municipal maintenance staff

- 2) Evaluation and Assessment – See Education BMP evaluation and assessment methods described in Programs a. to e.

E. General Provisions

1. Duty to mitigate [40 CFR 122.41 (d)]

The discharger shall take all reasonable steps to minimize any discharge or prevent any discharge or sludge use or disposal in violation of this Board Order, which has a reasonable likelihood of adversely affecting human health or the environment.

2. Proper Operation and Maintenance [40 CFR 122.41(e)]

The discharger shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the discharger to achieve compliance with the conditions of this Board Order. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems, which are installed by the discharger only when the operation is necessary to achieve compliance with the conditions of this Board Order.

3. Permit Actions [140 CFR 122.41(f)] [California Water Code § 133811]

This Board Order may be modified, revoked and reissued, or terminated for cause including, but not limited to the following:

- a. Violation of any terms or conditions of this Board Order; or
- b. Obtaining this Board Order by misrepresentation or failure to disclose fully all-relevant facts; or
- c. A change in any condition that requires either a temporary or permanent reduction or elimination of the authorized discharge; or
- d. A determination that the permitted activity endangers human health or the environment and can only be regulated to acceptable levels by permit modification or termination.

The filing of a request by the discharger for modification, revocation, and reissuance, or termination of this Board Order, or a notification of planned changes or anticipated noncompliance does not stay any condition of this Board Order.

4. Property Rights [40 CFR 122.41(g)] [California Water Code § 13263(g)]

This Board Order does not convey any property rights of any sort or any exclusive privilege. The requirements prescribed herein do not authorize the commission of any act causing injury to persons or property, nor protect the discharger from liabilities under federal, state, or local laws, nor create a vested right for the discharger to continue the waste discharge.

5. Inspection and Entry [40 CFR 122.41(i)] [California Water Code § 13267(c)]

The discharger shall allow the RWQCB, or an authorized RWQCB representative, or an authorized representative of the USEPA (including an authorized contractor acting as a representative of the RWQCB or USEPA), upon presentation of credentials and other documents as may be required by law, to:

- b. Enter upon the discharger's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this Board Order;
 - c. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this Board Order;
 - d. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Board Order; and
 - e. Sample or monitor at reasonable times, for the purposes of assuring compliance with this Board Order or as otherwise authorized by the Clean Water Act or California Water Code, any substances or parameters at any location.
6. The discharger shall take all reasonable steps to minimize or correct any adverse impact on the environment resulting from noncompliance with this Board Order, including such accelerated or additional monitoring as may be necessary to determine the nature and impact of the non-complying discharge.
7. The provisions of this Board Order are severable, and if any provision of this Board Order, or the application of any provision of this Board Order to any circumstances, is held invalid, the application of such provision to other circumstances, and the remainder of this Board Order, shall not be affected thereby.
8. The discharger shall comply with any interim effluent limitations as established by addendum, enforcement action, or revised waste discharge requirements which have been, or may be, adopted by this RWQCB.
9. In cases where storm water runoff quality is impacted by discharges from lands not owned, operated or maintained by the permittee(s), the permittee(s) may petition the Regional Board to regulate the discharge. Such a petition shall include:
- a. A written description of the discharge and any documentation of water quality problems caused by the discharge;
 - b. An 8 ½ inch x 11 inch location map which delineates the problem area; and
 - c. Documentation that the permittee does not have jurisdiction over the discharge and/or is unable to require compliance.
 - d. Such petitions may be submitted by the permittees at any time.

F. Reporting Requirements

1. Duty to Reapply [40 CFR 122.41(b)]

This Board Order expires on September 5, 2006. If the permittees wish to continue any activity regulated by this Board Order after the expiration date of this Board Order, the permittees must apply for and obtain new NPDES permit. The permittees must file a Report of Waste Discharge in accordance with Title 23, California Code of Regulations not later than 180 days in advance of the expiration date of this Board Order as application for issuance of a new permit.

2. Duty to Provide Information [40 CFR 122.41(h)]

The discharger shall furnish to the RWQCB, SWRCB, or USEPA, within a reasonable time, any information which the RWQCB, SWRCB, or USEPA may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this Board Order, or to determine compliance with this Board Order. The discharger shall also furnish to the RWQCB, SWRCB, or USEPA, upon request, copies of records required to be kept by this Board Order.

3. Anticipated Non-Compliance [40 CFR 122.41(l)(2)]

The discharger shall give advance notice to the RWQCB of any planned changes in the permitted facility or activity which may result in noncompliance with the requirements of this Board Order.

4. Transfers [40 CFR 122.41(l)(3)]

This Board Order is not transferable to any person except after notice to the RWQCB. The RWQCB may require modification or revocation and reissuance of this Board Order to change the name of the discharger and incorporate such other requirements as may be necessary under the Clean Water Act or the California Water Code in accordance with the following:

a. Transfers by Modification [40 CFR 122.61(a)]

This Board Order may be transferred by the discharger to a new owner or operator only if this Board Order has been modified or revoked and reissued, or a minor modification made to identify the new discharger and incorporate such other requirements as may be necessary under the Clean Water Act or California Water Code.

b. Automatic Transfers [40 CFR 122.61(b)]

As an alternative to transfers under paragraph a. of this reporting requirement, any NPDES permit may be automatically transferred to a new discharger if:

- 1) The current discharger notifies the RWQCB at least 30 days in advance of the proposed transfer date in paragraph b. (2) of this reporting requirement;
- 2) The notice includes a written agreement between the existing and new dischargers containing a specific date for transfer of permit responsibility, coverage, and liability between them; and

- 3) The RWQCB does not notify the existing discharger and the proposed new discharger of its intent to modify or revoke and reissue the Board Order. A modification under this subparagraph may also be a minor modification under 40 CFR Part 122.63. If this notice is not received, the transfer is effective on the date specified in the agreement mentioned in paragraph b. (2) of this reporting requirement.

5. Compliance Schedules [40 CFR 122.41(l)(5)]

Written reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this Board Order shall be submitted to the RWQCB no later than 14 days following each schedule date.

6. Twenty-four Hour Reporting [40 CFR 122.41 (l)(6)]

The discharger shall report any noncompliance which may endanger health or the environment. Any information shall be provided orally to the RWQCB within 24 hours from the time the discharger becomes aware of the circumstances. A written description of any noncompliance shall be submitted to the RWQCB within five days of such an occurrence and contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance.

7. The discharger shall report all instances of noncompliance at the time monitoring reports are submitted.
8. Where the discharger becomes aware that it failed to submit any relevant facts in a Report of Waste Discharge, or submitted incorrect information in a Report of Waste Discharge, or in any report to the RWQCB, it shall promptly submit such facts or information.

9. Signatory Requirements [40 CFR 122.41(k)(1) and 40 CFR 122.22]

All applications, reports, or information submitted to the RWQCB shall be signed and certified.

a. All Reports of Waste Discharge shall be signed as follows:

- 1) For a corporation: by a responsible corporate officer. For the purpose of this section, a responsible corporate officer means: (a) a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation.
- 2) For a partnership or sole proprietorship: by a general partner or the proprietor, respectively; or

- 3) For a municipality, State, Federal or other public agency: by either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a Federal agency includes: (a) the chief executive officer of the agency; or (b) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrator of USEPA).
 - b. All reports required by this Board Order, and other information requested by the RWQCB shall be signed by a person described in paragraph a. of this reporting requirement, or by a duly authorized representative of that person. A person is a duly authorized representative only if:
 - 1) The authorization is made in writing by a person described in paragraph a. of this reporting requirement;
 - 2) The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity (e.g., an individual or position having overall responsibility for environmental matters for the company); and
 - 3) The written authorization is submitted to the RWQCB.
 - c. If an authorization under paragraph b. of this reporting requirement is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirement of paragraph b. of this reporting requirement must be submitted to RWQCB prior to or together with any reports, information, or applications to be signed by an authorized representative.
 - d. Any person signing a document under paragraph a. or b. of this reporting requirement shall make the following certification:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete, I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.
10. Except for data determined to be confidential under 40 CFR Part 2, all reports prepared in accordance with the terms of this Board Order shall be available for public inspection at the offices of the RWQCB. As required by the Clean Water Act, Reports of Waste Discharge, this Board Order, and effluent data shall not be considered confidential.

11. The discharger shall submit reports and provide notifications as required by this Board Order to the following:

Executive Officer
California Regional Water Quality Control Board
Colorado River Basin Region
73-720 Fred Waring Drive, Suite 100
Palm Desert, CA 92260

Eugene Bromley
U.S. Environmental Protection Agency - Region IX
Permits Issuance Section (W-5-1)
75 Hawthorne Street
San Francisco, CA 94105

12. Unless otherwise directed, the discharger shall submit three copies of each report required under this Board Order to the RWQCB and one copy to USEPA.

G. Notifications

1. California Water Code Section 13263(g)

No discharge of waste into the waters of the state, whether or not such discharge is made pursuant to waste discharge requirements, shall create a vested right to continue such discharge. All discharges of waste into waters of the state are privileges, not rights.

2. The RWQCB has, in prior years, issued a limited number of individual NPDES permits for non-storm water discharges to municipal storm water conveyance systems. The RWQCB or SWRCB may in the future upon prior notice to the permittee(s), issue an NPDES permit for any non-storm water discharge (or class of non-storm water discharges) to a municipal storm water conveyance system. permittees may prohibit any non-storm water discharge (or class of non-storm water discharges) to a municipal storm water conveyance system that is authorized under such separate NPDES permits.
3. Enforcement Provisions [40 CFR 122.41(a)(2)] [California Water Code 13385 and 13387].

The Clean Water Act provides that any person who violates section 301, 302, 306, 307, 308, 318 or 405 of the Act, or any condition or limitation of this Board Order, is subject to a civil penalty not to exceed \$25,000 per day for each violation. The Clean Water Act provides that any person who negligently violates sections 301, 302, 306, 307, 308, 318, or 405 of the Act, or any condition or limitation of this Board Order, is subject to criminal penalties of \$2,500 to \$25,000 per day of violation, or imprisonment of not more than one year, or both. In the case of a second or subsequent conviction for a negligent violation, a person shall be subject to criminal penalties of not more than \$50,000 per day of violation, or by imprisonment of not more than two years, or both. Any person who knowingly violates such sections, or such conditions or limitations is subject to criminal penalties of \$5,000 to \$50,000 per day of violation, or imprisonment for not more

than three years, or both. In the case of a second or subsequent conviction for a knowing violation, a person shall be subject to criminal penalties of not more than \$100,000 per day of violation, or imprisonment of not more than six years, or both. Any person who knowingly violates section 301, 302, 303, 306, 307, 308, 318 or 405 of the Act, or any condition or limitation of this Board Order, and who knows at that time that he or she thereby places another person in imminent danger of death or serious bodily injury, shall, upon conviction, be subject to a fine of not more than \$250,000 or imprisonment of not more than 15 years, or both. - In the case of a second or subsequent conviction for a knowing endangerment violation, a person shall be subject to a fine of not more than \$500,000 or by -imprisonment of not more than 30 years, or both. An organization, as defined in section 309(c)(3)(8)(iii) of the Clean Water Act, shall, upon conviction of violating the imminent danger provision, be subject to a fine of not more than \$1,000,000 and can be fined up to \$2,000,000 for second or subsequent convictions.

4. Nothing in this Board Order shall be construed to preclude the institution of any legal action or relieve the discharger from any responsibilities, liabilities, or penalties to which the discharger is or may be subject to under Section 311 of the Clean Water Act.
5. Nothing in this Board Order shall be construed to preclude institution of any legal action or relieve the discharger from any responsibilities, liabilities, or penalties established pursuant to any applicable State law or regulation under authority preserved by Section 510 of the Clean Water Act.

H. Monitoring and Reporting

1. Pursuant to Section 13267 of the California Water Code, the permittees shall comply with Monitoring and Reporting Program No 01-077 and with the "General Monitoring and Reporting Provisions."

I. Administrative Provisions

1. These requirements do not exempt the permittees from compliance with any other laws, regulations, or ordinances which may be applicable, they do not legalize land treatment and disposal facilities and they leave unaffected any further restraints on those facilities which may be contained in other statutes or required by other regulatory agencies.
2. This permit shall become the NPDES permit pursuant to Section 402 of the Federal CWA, as amended from time to time, upon adoption by the Regional Board provided no objections from the U.S. EPA Regional Administrator have been received. If the Regional Administrator objects to the issuance, the permit shall not become effective until such objection is withdrawn.

J. Required Submittals and Compliance Time Schedules

1. The following submittals are required in accordance with Section 13267 of the California Water Code.
 - a. The discharger shall report all intentional or accidental spills exceeding 1,000 gallons and also any non-compliance that could endanger human health or the environment within 24 hours of becoming aware of its occurrence. The incident

shall be reported to the Regional Board Office and to the Office of Emergency Services. During non-business hours, the discharger shall leave a message on the Regional Board's voice mail. A written report shall be submitted to this office within five (5) business days of the discharger becoming aware of the incident. This report shall contain a description of the non-compliance, its causes, the duration, and the actual or anticipated time for achieving compliance. The report shall include complete details of the steps that the discharger has taken, or intends to take in order to prevent recurrence. An adverse condition includes, but is not limited to, serious violation or serious threatened violation of the terms and conditions of this Board Order, significant spills of petroleum products or toxic chemicals, or serious damage to control facilities that could affect compliance.

- b. This Board Order expires on September 5, 2006 and the permittees must file a Report of Waste Discharge in accordance with Title 23, California Code of Regulations, not later than 180 days in advance of such date as application for issuance of a new NPDES permit.

I, Phil Gruenberg, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, Colorado River Basin Region, on September 5, 2001.

PHIL GRUENBERG
Executive Officer